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<b>REQUEST for CONTINUED EXAMINATION (RCE) TRANSMITTAL</b>	Application No.	09/601,997
	Confirmation No.	5984
	Customer No.	24961
	Filing Date	December 15, 2000
	First Named Inventor	Keck <i>et al.</i>
	Group Art Unit	1635
	Examiner	Epps, Janet L.
	Attorney Docket No.	24743-2307US



This is a Request for Continued Examination (RCE) under 37 C.F.R. §1.114 of the above-identified application

1. [X] Submission required under 37 C.F.R. §1.114

a. [ ] Previously submitted

- i. [ ] Consider the amendment/reply under 37 C.F.R. §1.116 previously filed on \_\_\_\_\_.
- ii. [ ] Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_.
- iii. [ ] Other \_\_\_\_\_

b. [X] Enclosed

- i. [X] Amendment and Request for Continued Examination Pursuant to 37 C.F.R. §1.114 (15 pgs), and page describing Attachments to Amendment.
- ii. [X] Supplemental Information Disclosure Statement (2 pgs), Form PTO-1449 (1 sheet), copies of one (1) citation
- iii. [X] Other - Return Receipt Postcard

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01 FC:2801 385.00 OP

2. [ ] Miscellaneous

- a. [ ] Suspension of action on the above-identified application is requested under 37 C.F.R. §1.103(c) for a period of \_\_\_\_\_ months.
- b. [ ] Other

01/29/2004 YPOLITE1 00000073 09601997  
02 FC:2253 475.00 OP

3. [X] Fees

- a. [X] The Commissioner is hereby authorized to charge any fee, including any submitted herewith if the attached check(s) is in the wrong amount or otherwise improper or missing, that may be due in connection with this and the attached papers, or with this application during its entire pendency to or to credit any overpayment to Deposit Account No. 50-1213. A duplicate of this sheet is enclosed.
  - i. [X] RCE Fee required under 37 C.F.R. § 1.17(e)
  - ii. [X] Extension of time fee (37 C.F.R. §§ 1.136 and 1.17) (3 Months)
  - iii. [ ] Supplemental Information Disclosure Statement fee (37 C.F.R. § 1.97-1.98)
- b. [X] Check in the amount of \$860.00 is enclosed
- c. [ ] Payment by credit card (form PTO-2038 enclosed)

Signature of Applicant, Attorney or Agent Required

Typed or printed name	Stephanie L. Seidman			Reg. Number	33,779
Signature		Date	01/26/04	Deposit Account	50-1213

Certificate of Mailing

I hereby certify that this paper and any attached papers are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service, under "Express Mail" Mailing Label No. EV 417726827US, in accordance with 37 CFR § 1.10, in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313, on the date indicated below:

Typed or printed name	Rosalind E. Brady		
Signature		Date	01/26/04



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: KECK *et al.*

Serial No.: 09/601,997

Conf. No.: 5984; Customer No. 24961

Filing Date: December 15, 2000

For: ***NON-BACTERIAL CLONING IN  
DELIVERY AND EXPRESSION OF  
NUCLEIC ACIDS***

Art Unit: 1635

Examiner: Epps, Janet L.

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1/26/2004

Date

*Rosalind E. Brady*  
Rosalind E. Brady

**PRELIMINARY AMENDMENT AND REQUEST FOR CONTINUED EXAMINATION  
PURSUANT TO 37 C.F.R. §1.114**

Mail Stop RCE  
Commissioner for Patents  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In connection with the filing of a Request for Continued Examination (RCE) of the above-captioned application, Applicant respectfully requests consideration and entry of the following amendment and remarks, which are responsive to the Final Office Action mailed on July 25, 2003.

**IN THE CLAIMS:**

A listing of the claims, in accordance with 37 CFR §1.121, is provided. The listing of claims replaces all prior such listings of claims. Claims 8, 58 and 59 are amended herein.